

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Joseph C. Anoruo,
4

5 Plaintiff(s),

6 vs.

7 Denis McDonough,
8

9 Defendant(s).

2:23-cv-01479-JAD-MDC

Order

10 Pro se plaintiff Joseph C. Anoruo filed initiating documents (ECF No. 1) but did not pay the filing
11 fee or file an application to proceed *in forma pauperis*.

12 Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court.
13 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or security
14 thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to pay such
15 fees or give security therefor.” To proceed with this case, plaintiff must either pay the filing fee or file an
16 application to proceed *in forma pauperis*.

17 ACCORDINGLY,

18 **IT IS ORDERED that:**

- 19 1. Plaintiff has until **Wednesday April 10, 2024** to pay the filing fee in full or file an application
20 to proceed *in forma pauperis*. Failure to comply with this order may result in dismissal of this
21 case or a report and recommendation that this case be administratively closed.
- 22 2. Plaintiff shall not file any documents with the Court until he has either paid the full filing fee,
23 or the Court has approved his application to proceed *in forma pauperis* and screened his
24 complaint. Any documents filed in violation of this Order will not be acted upon by the Court
25 and may be struck *sua sponte* from the docket.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

DATED this 11th day of March 2024.

IT IS SO ORDERED.



Maximiliano D. Couvillier III
United States Magistrate Judge